

U.S. Patent Application Serial No. 10/670,386
Response filed June 2, 2006
Reply to OA dated March 2, 2006

REMARKS

Claims 1 - 9 and 10 - 37 are currently pending in this patent application, claim 10 having been canceled in this patent application.

Claims 1, 2, 5 - 7, 11 - 22 and 25 - 37 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated March 2, 2006.

Claims 1 - 37 stand rejected under 35 U.S.C. 112, second paragraph, due to certain informalities, specifically set forth in items 3 - 13, page 2 and 3 of the outstanding Action. The applicant respectfully requests reconsideration of this rejection.

As indicated above, claims 1, 2, 5 - 7, 11 - 22 and 25 - 37 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention, and in order to correct certain informalities, including those pointed out by the Examiner, while claim 10 has been canceled without prejudice or disclaimer.

U.S. Patent Application Serial No. 10/670,386
Response filed June 2, 2006
Reply to OA dated March 2, 2006

Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 U.S.C. 112, second paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, first, claims 1 - 7, 10 - 16 and 20 - 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirono (U.S. Patent No. 6,246,958) in view of Carlsson (U.S. Patent Publication No. 2002/0029224).

Claim 10 has been canceled without prejudice or disclaimer. Thus, the rejection of this claim is now moot.

As to the remaining claims, in the Examiner's reliance on the primary reference of Hirono, the Examiner has acknowledged that: "Hirono does not disclose the conditions for acquiring the information being set in accordance with the type of information."¹ It is for this reason that the Examiner relies on the secondary reference of Carlsson for teaching, according to the Examiner, "the conditions for acquiring the information being set in accordance with the type of information in paragraphs 32, 36, and 39."²

¹ See, lines 1 and 2, item 4, page 5 of the outstanding Action.

² See, lines 3 and 4, item 4, page 5 of the outstanding Action.

U.S. Patent Application Serial No. 10/670,386
Response filed June 2, 2006
Reply to OA dated March 2, 2006

The applicant submits however that Carlsson is directed to a method for updating local map, wherein priority is applied to information to be transferred (see, paragraphs [0036], [0037] in Carlsson) and information is transferred from a central host based on the priority (and transfer load). Although in Carlsson's apparatus, the type of information is referred to, Carlsson's apparatus controls transfer of the information from a central host to terminals.

On the other hand, the applicant's claimed invention is directed to a structural arrangement or feature of "information acquiring," whereby users' can more efficiently obtain desired information as compared to uniformly controlling transfer of information on the server's side as in the cited reference. In other words, the teachings of Carlsson, singly or in combination with the teachings of Hirono, are not concerned with the efficient acquiring of desired information.

It is thus submitted that even if the suggested teachings of Hirono and Carlsson can be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicant's claimed invention, as now recited in the amended claims filed herewith. Thus, a person of ordinary skill in the art would not have found the applicant's claimed invention obvious under 35 U.S.C. 103(a) based on Hirono in view of Carlsson.

U.S. Patent Application Serial No. 10/670,386
Response filed June 2, 2006
Reply to OA dated March 2, 2006

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. 103(a) based on Hirono (U.S. Patent No. 6,246,958) in view of Carlsson (U.S. Patent Publication No. 2002/0029224) is in order, and is therefore respectfully solicited.

Second, claims 8, 9, 17 - 19 and 29 - 37 stand rejected under 35 U.S.C. 103(a) based on Hirono in view of Carlsson, and further in view of Kondou (U.S. Patent No. 6,073,075). The applicant respectfully requests reconsideration of this rejection.

The secondary reference of Kondou is directed to a database that stores areas and related service information in which an information server determines the area and loads information on that area from the database. As in the teachings of Hirono and Carlsson, Kondou is similarly not concerned with the efficient acquiring of desired information.

Based on the above, even if *arguendo* the teaching of Kondou can be combined with the suggested teachings of Hirono and Carlsson in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicant's claimed invention, as now recited in the amended claims filed herewith. Thus, a person of ordinary skill in the art would not have found the applicant's claimed invention obvious under 35 U.S.C. 103(a) based on Hirono in view of Carlsson, and further in view of Kondou.

U.S. Patent Application Serial No. 10/670,386
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Accordingly, the withdrawal of the outstanding rejection under 35 U.S.C. 103(a) based on Hirono in view of Carlsson, and further in view of Kondou (U.S. Patent No. 6,073,075) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/670,386
Response filed June 2, 2006
Reply to OA dated March 2, 2006

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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